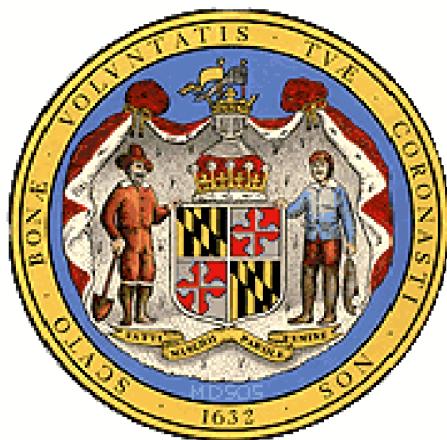


**THIRTIETH ANNUAL REPORT**  
**OF THE**  
**OPEN MEETINGS COMPLIANCE BOARD**



**BOARD MEMBERS**

**LYNN M. MARSHALL, ESQ., CHAIR**  
**JACOB ALTSHULER, ESQ.**

**SEPTEMBER 2022**



**THIRTIETH ANNUAL REPORT  
OF THE  
OPEN MEETINGS COMPLIANCE BOARD**

The Open Meetings Compliance Board submits this annual report for the period running from July 1, 2021, through June 30, 2022 (“FY 2022”), in accordance with § 3-204(e) of the General Provisions Article (“GP”). In this report, we discuss our activities and the opinions we issued this year, the number and nature of the complaints we received (highlighting those that alleged a failure to provide reasonable notice of a meeting), and the types of violations we found. We also provide summaries of our opinions, identifying each public body that violated a provision of the Open Meetings Act (the “Act”), and describe open meetings legislation that the General Assembly proposed and adopted during the 2022 legislative session.

**INTRODUCTION**

As detailed below, the Compliance Board’s primary function is to issue advisory opinions in response to complaints that public bodies have violated the Act. The Compliance Board also recommends improvements to the Act when needed. An additional function, in conjunction with the Office of the Attorney General, is conducting educational programs for the staffs and attorneys of public bodies, the Maryland Municipal League, the Maryland Association of Counties, and the Maryland Association of Boards of Education. GP § 3-204.

The Compliance Board was established as an independent State board of three members who are appointed by the Governor and serve without compensation. At least one member must be an attorney admitted to the Maryland bar. The Compliance Board currently has two members, Jacob Altshuler and Chair Lynn M. Marshall, both of whom are attorneys. The third seat on the Compliance Board is vacant.

The Compliance Board has no budget and no staff of its own. The Office of the Attorney General provides counsel and administrative support, as required by statute, and posts the Compliance Board’s opinions on the Open Meetings webpage of the Attorney General’s website. However, the Compliance Board is an independent body and is not a part of the Office of the Attorney General.

**I.  
ACTIVITIES OF THE BOARD**

***A. Complaint Statistics***

*1. Complaints received and opinions issued*

From July 1, 2021, to June 30, 2022, we received **fifty-seven** written complaints—twenty-one more than last year—concerning **ninety-five** separate entities.<sup>1</sup> **One** complaint

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<sup>1</sup> For this tally, we count a parent body and its related subcommittees as one entity. One complaint—alleging violations by sixty separate bodies—accounts for the majority of the ninety-five-entity count.

was withdrawn. **Three** complaints will carry over to the next fiscal year. No complaints involved allegations of prospective violations. *See* GP § 3-212 (setting forth the process for a complaint alleging that a future meeting, required to be open under the Act, will be closed).

This fiscal year, we issued **forty-eight** opinions, eighteen more than last year. **Six** opinions involved the consolidation of two or more complaints. **Five** opinions involved complaints that were filed the previous year. **One** opinion involved the reconsideration of an earlier opinion. In **twenty-five** opinions, we found violations, in varying degrees of seriousness, by **twenty** separate public bodies. In **thirteen** opinions, we found no violation. In **ten** opinions, we lacked sufficient information to determine whether a violation had occurred.

Several bodies drew multiple complaints, though not all of these complaints resulted in a finding of a violation. The Montgomery County Board of Education was the subject of four Compliance Board opinions (one of which resolved a complaint received the prior fiscal year). Baltimore Children and Youth Fund, Inc., the Board of Education of Carroll County, the Mayor and Council of Brunswick, the Mayor and Council of the Town of Fairmount Heights, and the Talbot Family Network were each the subject of two Compliance Board opinions. The Frederick County Council was the subject of two complaints and one request to reconsider an earlier opinion.

The complaint docket was as follows:

Docketed Complaints from FY 2021, pending on July 1, 2021: .....	5
Complaints of violations, received during FY 2022 .....	57
<b>Total complaints on the docket for FY 2022: .....</b>	<b>62</b>
Complaints consolidated .....	16 to 6
Complaints dismissed without an opinion .....	0
Complaints withdrawn .....	1
<b>Total matters to address:.....</b>	<b>51</b>
Opinions issued in FY 2022: .....	48
Complaints still pending on July 1, 2022: .....	3

*2. The provisions violated*

We issued twenty-five opinions in which we found violations of one or more provisions of the Act. Last year, we issued nineteen opinions finding one or more violations.

In FY 2022, complainants in nineteen matters alleged violations of GP § 3-302, which requires reasonable notice of a meeting or its cancellation. We found violations in eleven cases. We provide more details below in Section I.B, beginning on page 5.

The other most common types of violations involved failures to satisfy the Act's requirements related to minutes, the procedure for closing a meeting to the public, and the general obligation (absent exceptions spelled out in the law) to conduct public business in meetings open to all members of the public who wish to observe.

In eighteen opinions we found violations of the Act's requirements relating to minutes.<sup>2</sup> *See* GP § 3-306. In nine of those opinions, we found a violation of the requirement to prepare minutes as soon as practicable after a meeting.<sup>3</sup> In eleven opinions, we found a failure to provide sufficiently detailed closed session summaries in the minutes.<sup>4</sup> In three opinions, we found a failure to keep adequately detailed closed session minutes,<sup>5</sup> and in four opinions, we found a failure to post minutes online to the extent practicable.<sup>6</sup>

In thirteen opinions, we found a failure to satisfy the Act's procedural requirements for closing a meeting to the public. *See* GP § 3-305(d). The violations included failures to prepare a written statement before entering closed session,<sup>7</sup> failures to provide enough details in a written closing statement,<sup>8</sup> and failures to permit the public to object to a public body's vote to enter closed sessions.<sup>9</sup>

In eleven opinions we found that a public body was required—but failed—to conduct a meeting open to all members of the public who wanted to observe. *See* GP § 3-

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<sup>2</sup> Among those eighteen cases we include one in which we found a *likely* violation of the requirement to prepare minutes as soon as practicable after a meeting. In that case, 15 *OMCB Opinions* 107 (2021), we determined that a parent body's committees were also public bodies subject to the Act, and that the committees had likely violated, among other provisions, the requirement to timely prepare minutes, as the committees were operating under the mistaken belief that they were not public bodies.

<sup>3</sup> *See* 15 *OMCB Opinions* 107 (2021), 15 *OMCB Opinions* 113 (2021), 15 *OMCB Opinions* 123 (2021), 15 *OMCB Opinions* 144 (2021), 15 *OMCB Opinions* 184 (2021), 16 *OMCB Opinions* 1 (2022), 16 *OMCB Opinions* 69 (2022), 16 *OMCB Opinions* 110 (2022), 16 *OMCB Opinions* 129 (2022).

<sup>4</sup> *See* 15 *OMCB Opinions* 99 (2021), 15 *OMCB Opinions* 123 (2021), 15 *OMCB Opinions* 156 (2021), 15 *OMCB Opinions* 174 (2021), 16 *OMCB Opinions* 12 (2022), 16 *OMCB Opinions* 30 (2022), 16 *OMCB Opinions* 81 (2022), 16 *OMCB Opinions* 97 (2022), 16 *OMCB Opinions* 110 (2022), 16 *OMCB Opinions* 123 (2022), 16 *OMCB Opinions* 129 (2022).

<sup>5</sup> *See* 15 *OMCB Opinions* 156 (2021), 15 *OMCB Opinions* 174 (2021), 15 *OMCB Opinions* 184 (2021).

<sup>6</sup> *See* 15 *OMCB Opinions* 113 (2021), 15 *OMCB Opinions* 174 (2021), 16 *OMCB Opinions* 30 (2022), 16 *OMCB Opinions* 129 (2022).

<sup>7</sup> *See* 15 *OMCB Opinions* 156 (2021), 15 *OMCB Opinions* 144 (2021), 16 *OMCB Opinions* 144 (2022).

<sup>8</sup> *See* 15 *OMCB Opinions* 99 (2021), 15 *OMCB Opinions* 156 (2021), 15 *OMCB Opinions* 174 (2021), 15 *OMCB Opinions* 184 (2021), 16 *OMCB Opinions* 30 (2022), 16 *OMCB Opinions* 81 (2022), 16 *OMCB Opinions* 97 (2022), 16 *OMCB Opinions* 123 (2022), 16 *OMCB Opinions* 144 (2022).

<sup>9</sup> *See* 16 *OMCB Opinions* 12 (2022), 15 *OMCB Opinions* 123 (2021), 15 *OMCB Opinions* 136 (2021), 16 *OMCB Opinions* 81 (2022).

301 (providing, generally, that “a public body shall meet in open session”).<sup>10</sup> In five of those opinions, a public body misapplied an exception in GP § 3-305(b) and improperly convened a closed session to discuss a topic that should have been discussed in an open session.<sup>11</sup> In four opinions, we found that the body had effectively closed meetings to the public by failing to make clear in the meeting notices that the body would convene in open session before entering closed session.<sup>12</sup> In another opinion, a public body violated the openness requirement by failing to provide an overflow room or livestream of a meeting that took place in a room that could not accommodate all members of the public who wished to observe. 15 *OMCB Opinions* 85 (2021). In yet another opinion, a public body violated the openness requirement by changing the date of a meeting without providing adequate notice to the public. 15 *OMCB Opinions* 113 (2021). In one opinion, we were unable to determine whether a violation of the openness requirement had occurred, because the complainant and the public body disputed the basic facts underlying the complaint. 16 *OMCB Opinions* 108 (2022).

Other violations involved failures to satisfy the Act’s requirements for agendas (GP § 3-302.1),<sup>13</sup> and a failure to announce prior violations of the Act at an open meeting (GP § 3-211).<sup>14</sup>

### 3. *The complainants*

In FY 2022, forty-two different complainants alleged violations of the Act. These complainants included two companies, an industry association, a neighborhood association, and a union, as well as five current or former government officials. Eight complainants filed two or more complaints each. One individual accounted for ten of the complaints (about one-sixth) that we received in FY 2022.

### 4. *The entities alleged to have violated the Act*

The complaints that we received in FY 2022 concerned ninety-five different entities.<sup>15</sup> In two opinions, we determined that an entity accused of violating the Act was

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<sup>10</sup> This general rule does not apply if the public body meets to carry out an administrative function, GP § 3-103(a)(1)(i), or if the public body satisfies one of fifteen exceptions in GP § 3-305(b) that allow for discussions of certain topics to take place in closed sessions.

<sup>11</sup> See 15 *OMCB Opinions* 99 (2021) (involving the misapplication of the personnel matters exception of GP § 3-305(b)(1)), 15 *OMCB Opinions* 174 (2021) (same), 16 *OMCB Opinions* 131 (2022) (same), 15 *OMCB Opinions* 136 (2021) (involving the misapplication of the legal advice exception of GP § 3-305(b)(7)), 16 *OMCB Opinions* 69 (2022) (same).

<sup>12</sup> See 15 *OMCB Opinions* 123 (2021), 15 *OMCB Opinions* 136 (2021), 16 *OMCB Opinions* 12 (2022), 16 *OMCB Opinions* 81 (2022).

<sup>13</sup> See 15 *OMCB Opinions* 107 (2021), 15 *OMCB Opinions* 174 (2021), 16 *OMCB Opinions* 64 (2022).

<sup>14</sup> See 16 *OMCB Opinions* 101 (2022).

<sup>15</sup> As noted above, we count a parent body and its committees as one entity. A single complaint alleging violations against sixty boards and commissions in one county accounts for the vast majority of the ninety-five-entity count. This complaint was still pending at the close of FY 2022.

not actually a public body subject to the Act's requirements. *See* 16 *OMCB Opinions* 88 (2022) (concluding that the Montgomery County Public Schools COVID-19 Operations Advisory Team is not a public body), 16 *OMCB Opinions* 101 (2022) (concluding that a committee of the Talbot Family Network is not a public body). In two other opinions, we did not conclusively determine whether the entity at issue was a public body but found instead that there had been no "meeting" triggering the Act's provisions. *See* 15 *OMCB Opinions* 79 (2021),<sup>16</sup> 16 *OMCB Opinions* 41 (2022). The other opinions that we issued in FY 2022 involved state agencies, county or municipal boards or commissions, and local school boards. Local legislative bodies were the focus of twenty-one of the forty-eight opinions that we issued in FY 2022; local school boards were the focus of ten opinions.

### ***B. Complaints Involving the Failure to Provide Notice of a Meeting***

Pursuant to GP § 3-204(e)(2)(iii), we highlight here, and in the opinion summaries below in Part III, those "complaints that reasonable notice of a meeting was not given." As already noted, *see above* page 2, nineteen matters alleged violations of GP § 3-302, which requires reasonable notice of a meeting or its cancellation. We found violations in eleven cases. The violations involved failures to specify in a meeting notice that a public body would meet in open session before entering a closed session, 15 *OMCB Opinions* 123 (2021), 15 *OMCB Opinions* 136 (2021), 16 *OMCB Opinions* 12 (2022), 16 *OMCB Opinions* 81 (2022); adjourning a meeting and immediately reconvening to discuss public business, without notice to the public, 16 *OMCB Opinions* 64 (2022); omitting some meetings from a calendar of meetings, 16 *OMCB Opinions* 30 (2022); failing to give notice of a meeting by the public body's usual method of providing notice, 16 *OMCB Opinions* 47 (2022); omitting from a notice the details of where a virtual meeting would take place and how the public could observe, 16 *OMCB Opinions* 1 (2022); changing a meeting date without notifying the public, 15 *OMCB Opinions* 113 (2021); and the failure of a parent public body to provide notice before a quorum of the body attended the meeting of a subcommittee and discussed the parent body's business, 15 *OMCB Opinions* 161 (2021). In the eleventh case, we found that committees of a parent public body were themselves public bodies subject to the Act, and that those committees, having operated under the misconception that they were not required to follow the Act, had likely violated several of the Act's provisions, including the notice requirements in GP § 3-302. 15 *OMCB Opinions* 107 (2021).

In seven other matters, complainants alleged a failure to provide adequate advance notice of a meeting, but we found no violation.<sup>17</sup> In one additional case, we could not determine whether the public body had violated GP § 3-302, because it was not clear, based on the limited facts before us, whether the public body had deliberately delayed providing notice of a special meeting. *See* 16 *OMCB Opinions* 55.

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<sup>16</sup> The complaint in this matter was received in FY2021 but we issued our opinion in FY2022.

<sup>17</sup> *See* 15 *OMCB Opinions* 168 (2021), 15 *OMCB Opinions* 174 (2022), 16 *OMCB Opinions* 6 (2022), 16 *OMCB Opinions* 22 (2022), 16 *OMCB Opinions* 77 (2022), 16 *OMCB Opinions* 110 (2022), 16 *OMCB Opinions* 123 (2022).

### ***C. Conclusions from the Statistics – Overview of the Year***

The issues that we addressed this year are listed in the topic descriptions in the opinion summaries in Part III, below. As we have noted in previous annual reports, one must view our statistics in perspective. The overall number of complaints, and of those in which we found a violation, remains small in proportion to the total number of public bodies statewide. This fiscal year saw a significant increase in the number of opinions we issued (forty-eight), which is eighteen more than the previous year and the most we have issued in a single year since at least Fiscal Year 2013. But much of this increase may be attributable to COVID-19: Many complaints alleged violations of the Act based on practices that public bodies have adopted in light of the pandemic (for example, requiring the public to observe meetings virtually<sup>18</sup> or limiting how many people may attend a meeting in person<sup>19</sup>), or alleged violations related to meetings (or alleged meetings) that involved topics of discussion directly related to the pandemic (for example, masking policies<sup>20</sup> and other COVID-19 protocols<sup>21</sup>).

In any event, although we issued forty-eight opinions this year, we found violations in twenty-five opinions, a little over half the total number of opinions for FY 2022. Of those opinions involving one or more violations, fewer than half of the opinions (eleven) involved a failure to provide reasonable notice of a meeting. The most common type of violation (found in eighteen opinions) involved some deficiency related to meeting minutes, either the failure to prepare or post them timely, or the failure to provide enough details. Thirteen opinions involved the failure to fully satisfy the Act's procedural requirements for closing a meeting to the public. Eleven involved a violation of the Act's general openness requirements, most often because a public body failed to make clear in its meeting notice that the body would be meeting in open session before entering closed session, or because a public body misapplied an exception in GP § 3-305(b) and discussed a matter in closed session that should have been open to the public.

### ***D. Financial Support and Educational Activities***

The Attorney General's Office provides the Board with staff support, posts the Board's opinions and other Open Meetings Act materials on its website, and bears the incidental costs associated with administering the Board's work. The Board could not fulfill its statutory duties without this support, as no funds have ever been specifically appropriated for its operations.

The Institute for Governmental Service and Research at the University of Maryland hosts, maintains, and performs updates to the online class that many public bodies rely on

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<sup>18</sup> See 15 *OMCB Opinions* 161 (2021), 15 *OMCB Opinions* 168 (2021), 16 *OMCB Opinions* 1 (2022), 16 *OMCB Opinions* 6 (2022).

<sup>19</sup> See 15 *OMCB Opinions* 85 (2021), 15 *OMCB Opinions* 91 (2021), 16 *OMCB Opinions* 26 (2022).

<sup>20</sup> See 15 *OMCB Opinions* 136 (2021), 16 *OMCB Opinions* 88 (2022).

<sup>21</sup> See 16 *OMCB Opinions* 88 (2022).



to comply with the Act's training requirement. We thank the Institute for its service to the public in creating the online class, in conjunction with the Office of the Attorney General, and in making it continuously available to the general public, currently at no charge to the public for access, and, to date, without charging for its services.<sup>22</sup> The Office of the Attorney General and the Institute are currently in the process of updating the online training to reflect changes to the Act that will take effect October 1, 2022. (Those changes are discussed below in Section II.A.).

### *E. Publication of Opinions Issued During the Fiscal Year*

The Board's opinions for the 2022 fiscal year are posted at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/index.aspx>, in Volume 15, beginning on page 79, and in Volume 16, pages 1 through 162. The table of contents for each volume lists each opinion, along with the name of the public body and notations of any provisions that we found violated. Summaries appear in Part III of this report.

## II. LEGISLATION

### *A. Legislation proposed or enacted in 2022*

The General Assembly adopted several amendments to the Open Meetings Act that will take effect October 1, 2022.

House Bill 246 (2022 Md. Laws, ch. 345) changes the retention periods for notices and closing statements. Currently, public bodies must retain these documents for at least one year, GP §§ 3-302(d), 3-305(d)(5); but come October 1, public bodies will have to retain these documents for at least three years. The new legislation also will require public bodies to post closing statements online “[t]o the extent practicable,” the same standard that already applies to posting minutes online.

Senate Bill 269 (2022 Md. Laws, ch. 346) affects numerous State bodies. The legislation expressly provides that five entities, previously exempt from the Act, will now be subject to its provisions.<sup>23</sup> The legislation also adds a new section to the Act—GP § 3-307—which will apply to seventeen State entities.<sup>24</sup> These bodies will be subject to all of

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<sup>22</sup> The online class is posted at [https://www.igsr.umd.edu/VLC/OMA/class\\_oma\\_title.php](https://www.igsr.umd.edu/VLC/OMA/class_oma_title.php).

<sup>23</sup> These five entities are the Maryland Economic Development Corporation, the Maryland Technology Development Corporation, the Maryland Agricultural and Resource-Based Development Corporation, the Maryland Clean Energy Center, and the Bainbridge Development Corporation.

<sup>24</sup> These entities are the Board of Directors of the Bainbridge Development Corporation, the Canal Place Preservation and Development Authority, the Maryland 911 Board, the Board of Directors of the Maryland Agricultural and Resource-Based Industry Corporation, the Board of Directors of the Maryland Clean Energy Center, the Board of Directors of the Maryland Economic Development Corporation, the Board of Directors of the Maryland Environmental Service, the Maryland Food Center Authority, the Maryland Health and Higher Educational Facilities

the Act's existing requirements as well as new obligations, such as a mandate to post the agenda of an open session, a summary of any finalized documents, written testimony from the public, and other materials that the public body will vote on to the public body's website at least 48 hours before a meeting (except in cases of emergencies).<sup>25</sup> Most of the public bodies that will be subject to GP § 3-307 will also have to livestream their meetings.<sup>26</sup> All public bodies subject to GP § 3-307 will also have to post to their websites the minutes of each open session (to be posted not more than two business days after the minutes are approved), and archived video recordings of meetings. Recordings will have to be kept online for at least one year, and minutes will have to be kept online for at least five years.

New GP § 3-307 also will impose several new agenda requirements for the seventeen enumerated State bodies. "To the extent practicable" (the standard that already applies to posting minutes online), each meeting agenda will have to indicate whether the public body intends to enter closed session and the expected time of any such closed session.<sup>27</sup> Each meeting agenda will also have to include consideration of the minutes from the most recent open meeting (unless the agenda is for an emergency meeting).

With respect to minutes, new GP § 3-307 will require the seventeen affected bodies to approve meeting minutes "in a timely manner." This will generally mean at the next open meeting, given the requirement that agendas will have to include consideration of the most recent open meeting.<sup>28</sup>

In addition to House Bill 246 and Senate Bill 269, the General Assembly considered, but ultimately did not adopt, a bill that would have amended the Act's definition of "administrative function." In its present form, the Act does not apply to a public body when it is carrying out "an administrative function," GP § 3-103(a)(1)(i), which the Act defines in both the affirmative (what an administrative function is) and the negative (what it is not). "Administrative function" means the administration of a law of the State or a political subdivision, or a rule, regulation, or bylaw of a public body. GP § 3-101(b)(1). "Administrative function" does not include advisory, judicial, legislative, quasi-judicial, or quasi-legislative functions. GP § 3-101(b)(2). House Bill 235 proposed adding to this list

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Authority, the Maryland Industrial Development Financing Authority, the Maryland Stadium Authority, the Maryland Transportation Authority, the Northeast Maryland Waste Disposal Authority, the Public Service Commission, the State Board of Elections, the Maryland Technology Development Corporation, and the Historic St. Mary's Commission.

<sup>25</sup> A public body need not disclose material that is protected under Maryland's Public Information Act.

<sup>26</sup> The Maryland Stadium Authority need only provide live *audio* streaming for meetings by telephone conference, and the Maryland Transportation Authority need only provide live video streaming if it's meeting at its headquarters or a location where the Authority met at least ten times in the last calendar year.

<sup>27</sup> GP § 3-302.1(a), which applies to all public bodies, already provides that, "before meeting in an open session, a public body shall make available to the public an agenda . . . indicating whether the public body expects to close any portion of the meeting."

<sup>28</sup> GP § 3-306(b)(1), which applies to all public bodies, provides that, "as soon as practicable after a public body meets, it shall have minutes of its session prepared."

of exclusions “the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom a public body has direct jurisdiction.” Removing personnel matters from the definition of “administrative function” would make them subject to the Act, but not necessarily open to the public. That is because the Act also includes fifteen exceptions to the openness requirement, including a so-called “personnel matters exception.” GP § 3-305(b). Under this exception, a public body may meet in a session closed to the public to discuss: “(i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals[.]” GP § 3-305(b)(1). House Bill 235 did not propose any change to this personnel matters exception in § 3-305(b)(1). The Compliance Board expressed concern that House Bill 235 would increase the workload of the Board and of public bodies—who would still have to comply with various procedural requirements under the Act when meeting to discuss personnel matters in closed sessions—without any appreciable benefit to the public. The sponsors of the bill ultimately withdrew the legislation.

### ***B. Board recommendations for the 2023 Legislative Session***

The Board does not recommend any legislative study or action at this time.

## **III.**

### **SUMMARIES OF OPINIONS ISSUED FROM JULY 1, 2021 – JUNE 30, 2022<sup>29</sup>**

#### **July 1 - September 30, 2021**

##### **15 OMCB Opinions 79 (2021)**

##### **Annapolis Democratic Central Committee**

**Topics Discussed:** The Act’s definitions of “public body” and “meeting”

**Opinion:** The Compliance Board did not resolve the close question of whether the Committee is a “public body” subject to the Act because, regardless, the Committee’s monthly gatherings did not qualify as “meetings,” as they did not relate to the Committee’s narrow charge under law to fill vacancies on the Annapolis City Council and nominate members to the City’s elections board. Because the Committee was convening to discuss private political matters in a partisan setting rather than to consider public business, it was not “meeting,” and the Act did not apply.

**Violation:** None

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<sup>29</sup> The opinions summarized here are posted on the Open Meetings webpage on the website of the Office of the Attorney General. See <https://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/index.aspx>. Statutory references are to the General Provisions Article of the Maryland Annotated Code.

**15 OMCB Opinions 85 (2021)****Board of Education of Washington County**

**Topics Discussed:** The Act's definition of "meeting," how to satisfy the Act when an audience larger than the meeting room's capacity wants to observe the meeting

**Opinion:** The Board of Education held an in-person hearing during the COVID-19 pandemic to take public comment on the proposed closure of two schools but restricted who could attend the hearing: Only speakers and their guests could enter the room and only for a portion of the hearing. Because the Board of Education did not provide an alternative means of observing the hearing, such as a livestream video or audio broadcast, the Compliance Board found a violation of GP § 3-303(a), which generally requires that the public be allowed to observe a public body's meetings.

**Violation:** GP § 3-303(a)

**15 OMCB Opinions 91 (2021)****Montgomery County Board of Education**

**Topic Discussed:** The propriety of allowing members of the press to attend a meeting in person but requiring other members of the public to observe the meeting remotely

**Opinion:** When the full membership of the Board of Education began meeting in person for the first time since the start of the COVID-19 pandemic, it invited the press to attend in person but required other members of the public to observe the proceedings via a livestream, a television broadcast, or a "listen only phone line." The Compliance Board, recognizing the ongoing public health concerns surrounding COVID-19, concluded that the Board of Education's practice was reasonable under the circumstances and did not violate the Act.

**Violation:** None

**15 OMCB Opinions 97 (2021)****Baltimore Development Corporation**

**Topic Discussed:** The procurement exception

**Opinion:** The Compliance Board found that the Baltimore Development Corporation properly applied the procurement exception of GP § 3-305(b)(14), which allows a public body to exclude the public from a discussion "directly related to a negotiating strategy or the contents of a bid or proposal," if public discussion "would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

**Violation:** None

**15 OMCB Opinions 99 (2021)****Dorchester County Council**

**Topics Discussed:** The required content and timing of agendas and written closing statements, the required content of closed session summaries, the personnel matters exception, required training for members of public bodies

**Opinion:** The Compliance Board found no violations of the Act's requirements regarding agendas but found that the Council failed to provide in its closing statements the reasons for closing its meetings and sufficient detail about the topics to be discussed. The Council also violated the Act with respect to recording members' votes to close meetings to the public, either because the presiding officer did not accurately record the votes of all members before the Council entered closed sessions, or because the Council's minutes did not accurately record the vote. Finally, the Council violated the Act by failing to provide a sufficiently detailed closed-session summary, and by discussing a topic beyond the scope of the personnel matters exception, which does not encompass policy discussions. The Compliance Board found that the Council had complied with the Act's requirement to designate at least one member of the public body to receive training on the Act before meeting in closed session.

**Violations:** GP §§ 3-301, 3-305(b)(1), 3-305(d)(2), 3-306(c)(2), and either 3-305(d)(2)(i) or 3-306(c)(2)(ii)

**October 1 – December 31, 2021****15 OMCB Opinions 107 (2021)****Baltimore Children and Youth Fund, Inc.**

**Topics Discussed:** When minutes must be posted online, the Act's definition of "public body"

**Opinion:** The Compliance Board declined to find that it was practicable for the Fund to post minutes online sooner than it did but concluded that several of the Fund's committees were public bodies subject to the Act and had likely violated the Act's requirements related to notice, agendas, and minutes.

**Likely Violations:** GP §§ 3-302, 3-302.1, 3-306

**15 OMCB Opinions 113 (2021)****Talbot Family Network**

**Topics Discussed:** The Act's definition of "public body" and the Act's requirements for notice, preparing and posting minutes online, and the level of detail required of minutes

**Opinion:** The Compliance Board found that the Talbot Family Network's Board of Directors violated the Act by changing the date of a meeting without notifying the public, failing to timely prepare and post minutes online, and failing to provide enough details in at least one set of minutes. The Compliance Board further found that some of the Network's committees are "public bodies" that improperly disregarded the Act's mandates.

**Violations:** GP §§ 3-302, 3-302.1, and 3-306

**15 OMCB Opinions 123 (2021)****Mayor and Council of the Town of Fairmount Heights**

**Topics Discussed:** The Act's requirements for meeting notices, agendas, entering closed sessions, required disclosures before and after closed sessions, and preparing and posting minutes online

**Opinion:** The Compliance Board found that the Council violated the Act by failing to make clear in meeting notices that the Council intended to meet in open sessions before entering closed sessions. The Council further violated the Act by failing to provide the public opportunities to object to the Council's votes to enter closed sessions, failing to prepare minutes as soon as practicable after meetings, and failing to include enough details in closed written statements and closed session summaries. The Compliance Board was unable to conclude whether the Council also violated the Act by not posting minutes online to the extent practicable, and by failing to provide an agenda for a special meeting, as it was not clear whether a quorum of the Council attended the meeting and discussed public business.

**Violations:** GP §§ 3-302, 3-305(d), 3-306(b)(1), 3-306(c)(2)

**15 OMCB Opinions 132 (2021)****Montgomery County Council**

**Topics Discussed:** The lack of a burden of proof in the Compliance Board's complaint process, the required content of minutes

**Opinion:** The Complainant alleged that the Council violated the Act by omitting necessary information from meeting minutes and, on another occasion, by meeting in secret without providing notice to the public or subsequently preparing minutes. The Compliance Board found that the minutes accurately reflected what took place at the meeting in question, and the record did not support the Complainant's assumption that the Council met in secret on another occasion.

**Violation:** None

**15 OMCB Opinions 136 (2021)****Board of Education of Carroll County**

**Topics Discussed:** The required content of a meeting notice, requirements for providing notice of a meeting called on an urgent basis, the required procedure for meeting in closed session, the legal advice exception

**Opinion:** The Compliance Board found that the Board of Education violated the Act by failing to provide the location of a meeting in its notice and by failing to make clear that the Board of Education would be convening in open session before entering a closed session. The Board of Education further violated the Act by not using all the methods at its disposal, such as social media, to provide notice of a special meeting called on an urgent basis. The Board of Education's deficiencies in providing notice meant that the entire meeting was effectively closed to the public, who had no opportunity to object to the Board of Education's vote to enter closed session. Finally, the Board of Education's closed session discussion exceeded the scope of the legal advice exception because it went beyond simply obtaining legal advice and veered into a conversation about policy, specifically how the Board of Education would communicate to the public its position on a state mask mandate related to the COVID-19 pandemic.

**Violations:** GP §§ 3-302, 3-305(b)(7), 3-305(d)

**15 OMCB Opinions 141 (2021)****County Council of Cecil County**

**Topics Discussed:** Whether a mistake in an agenda made available by one method violates the Act if the public body makes a correct agenda available by several other methods

**Opinion:** The Compliance Board found that the Council did not violate the Act, despite an omission in an agenda posted on the Council's website, because the record did not indicate that the omission was intentional, and the Council had made a complete agenda available to the public by several other methods.

**Violation:** None

**15 OMCB Opinions 144 (2021)****Mayor and Council of the Town of Capitol Heights**

**Topics Discussed:** The required procedure for entering a closed session, the requirements for closing statements and minutes

**Opinion:** The Mayor and Council violated the Act by failing to prepare a closing statement, failing to explain its reason for entering a closed session, and failing to prepare and retain minutes.

**Violations:** GP §§ 3-305(d) and 3-306

**15 OMCB Opinions 148 (2021)****Montgomery County Council**

**Topic Discussed:** When communications among members of a public body rise to the level of a "meeting" subject to the Act

**Opinion:** Five members—a quorum—of the Council issued a press release announcing their support for a transportation project. The Complainant asserted that the members must have reached consensus during a secret meeting, without proper notice to the public. The Council asserted that the individual members reached consensus following several one-on-one conversations and, thus, the Act did not apply. The Council's failure to provide factual details about the members' communications, however, left the Compliance Board unable to reach a conclusion as to whether a quorum convened to discuss public business without notice to the public, in violation of the Act.

**Violation:** Unable to determine if the Council violated GP § 3-301

**15 OMCB Opinions 156 (2021)****Frederick County Council**

**Topics Discussed:** The required procedure for entering a closed session and the content required of written closing statements, closed session minutes, and closed session summaries in open session minutes

**Opinion:** The Compliance Board found that the Council violated the Act by failing to prepare a closing statement or adopt its agenda as a closing statement, and by failing to disclose the topics that the Council would discuss in closed session. The Council further violated the Act by failing to provide enough details in its closed session minutes and closed session summary in the open session minutes. Because of the lack of sufficiently detailed closed session minutes, the Compliance Board was unable to determine whether the Council's closed session discussion exceeded the scope of the claimed exceptions.

**Violations:** GP §§ 3-305(d) and 3-306(c)

**15 OMCB Opinions 161 (2021)****Housing Opportunities Commission of Montgomery County**

**Topics Discussed:** Whether technical glitches in virtual meetings violate the Act, whether the members of a parent public body must provide notice when a quorum of the parent body attends a committee's meeting and discusses the parent body's business

**Opinion:** The Complainant alleged that the Commission's virtual meetings suffered several technical glitches but, because the record did not indicate whether any substantive discussions occurred while livestreams were malfunctioning, the Compliance Board could not determine whether members of the public had effectively been excluded from the meetings, in violation of the Act. The Compliance Board did, however, find that the Commission violated the Act when a quorum of its members attended a committee meeting and discussed the Commission's business, without providing notice that the Commission would be meeting.

**Violation:** GP § 3-302

**15 OMCB Opinions 168 (2021)****State Board of Well Drillers**

**Topics Discussed:** Whether a public body violates the Act by removing from a virtual meeting someone who refuses to identify themselves, when a public body must provide the public links and passwords for virtual meetings, the requirements for posting minutes online

**Opinion:** The Compliance Board concluded that the Board of Well Drillers did not violate the Act by removing from a virtual meeting an individual who said nothing when asked to identify themselves; the Compliance Board noted that requiring individuals to identify themselves can reduce the risk of hackers disrupting virtual meetings and, thus, was reasonable under the circumstances. The Compliance Board further concluded that the Board of Well Drillers did not violate the Act by waiting until the agenda was available to provide the public the meeting link and password, as this practice is also a valid security measure. Finally, the Compliance Board declined to find that the Board of Well Drillers violated the Act by not posting minutes online more quickly when the response noted "staffing and technological challenges, especially during the COVID-19 period."

**Violation:** None

**15 OMCB Opinions 174 (2021)****Montgomery County Revenue Authority**

**Topics Discussed:** The Act's personnel matters exception, requirements for providing notice, the timing and content of agendas, the content of written closing statements and closed session summaries, and when minutes must be posted online

**Opinion:** The Revenue Authority's practice of listing meetings in an events calendar was a reasonable method of providing notice, and the Revenue Authority was not required to include in an agenda the intended topics of discussion for a closed session. But the Revenue Authority violated the Act by describing an open session agenda item as a "recap" of an earlier discussion, without providing more details. The Revenue Authority also violated the Act by not timely making an agenda available to the public, failing to provide sufficient detail in written closing statements, discussing policy matters in a session closed to the public under the personnel matters exception, failing to prepare sufficiently detailed closed session minutes and closed session summaries, preparing an inaccurate closed session summary, and failing to timely post minutes online.

**Violations:** GP §§ 3-302.1(a); 3-301; 3-305(b)(1); 3-305(d)(2); 3-306(b), (c) & (e)

**15 OMCB Opinions 184 (2021)****Montgomery County Council**

**Topics Discussed:** The real property acquisition and legal advice exceptions, the required contents of written closing statements and minutes, and the required contents and timing of closed session summaries

**Opinion:** The Compliance Board found no violation pertaining to the Council's discussions in sessions closed to the public under the real property acquisition and legal advice exceptions. But the Council violated the Act by failing to prepare sufficiently detailed closed session minutes or include in written closing statements reasons for closed sessions. The Council also violated the Act by failing to prepare a closed session summary and by waiting four months to provide the public summaries of some closed sessions.

**Violations:** GP §§ 3-305(d)(2), 3-306(b)(1) & (c).

## January 1 – March 31, 2022

**16 OMCB Opinions 1 (2022)****Development Review Committee of the Montgomery County Planning Department**

**Topics Discussed:** How to describe the “location” of a virtual meeting in a meeting notice, the Act’s requirements for agendas and minutes

**Opinion:** The Compliance Board found that the Development Review Committee violated the Act because its notices for virtual meetings did not provide a link or instructions on how to obtain access information for the virtual meetings. The Committee further violated the Act by failing to prepare or retain minutes before March 2020. The Complainant also alleged a violation based on the Committee’s failure to retain agendas, but the Compliance Board noted that the Act does not have a general retention policy for agendas as it does with minutes and meeting notices.

**Violations:** GP §§ 3-302(b)(2), 3-306(b) & (c)

**16 OMCB Opinions 6 (2022)****Annapolis Department of Planning and Zoning**

**Topics Discussed:** The lack of a burden of proof in the Compliance Board’s complaint process, the Act’s requirements for notice and minutes, the reasonableness of virtual meetings during the COVID-19 pandemic

**Opinion:** The Compliance Board reiterated the lack of a burden of proof in the complaint process before addressing the merits of the complaint. The Board found that the planning department did not violate the Act’s notice requirement when it provided notice of a meeting in a local newspaper and posted a sign at the site of the proposed development to be discussed at the meeting. The Board likewise found that having the meeting virtually did not violate the Act’s general openness requirement, given the ongoing COVID-19 pandemic. Finally, the Board found no violation of the requirement to post minutes online to the extent practicable, as a recording of the meeting was available on the web.

**Violation:** None

**16 OMCB Opinions 12 (2022)****Mayor and Council of Brunswick**

**Topics Discussed:** The Act’s requirements for notice, closing a meeting to the public, and disclosures to the public following a closed session.

**Opinion:** The Compliance Board found that the Mayor and Council violated the Act by failing to adequately notify the public that the Council would meet in open session before closing the meeting, by failing to provide the public an opportunity to object to the closure, and by failing to disclose, after the closed session, the proper statutory authority for the closure and an accurate list of individuals present during the closed session.

**Violations:** GP §§ 3-301, 3-302, 3-305(d), 3-306(c)(2)

**16 OMCB Opinions 18 (2022)****Montgomery County Middle Eastern American Advisory Group**

**Topics Discussed:** The limits of the Compliance Board’s authority, the Act’s requirements for agendas, minutes, and training

**Opinion:** The Compliance Board clarified that it does not have the authority to fine public bodies, only to issue advisory opinions. The Board was unable, based on the limited facts in the record, to determine if the advisory group had violated the Act’s requirement that at least one individual affiliated with a public body receive training on the Act. The Compliance Board found that the advisory group satisfied the Act by making agendas available a week before each meeting for any member of the public who requested them, and was not required to post minutes online, given the group’s lack of “technical staff.”

**Violation:** None



**16 OMCB Opinions 22 (2022)****Baltimore Children and Youth Fund, Inc.**

**Topics Discussed:** The Act's requirements for notice and minutes

**Opinion:** The Fund did not violate the Act's requirements to provide notice of meetings, because it had not had any meetings during the period in question. The Fund also did not violate the Act by taking thirty days to provide the Complainant minutes for six meetings of committees that, until the Board issued an opinion a week before the Complainant's request, the Fund did not believe were public bodies subject to the Act. Finally, the record did not establish that it was practicable—and that the Fund failed—to post the minutes of these meetings online, though the Compliance Board lacked the information necessary to determine whether Fund could have, but did not, post minutes of a 2020 meeting online.

**Violation:** None

**16 OMCB Opinions 26 (2022)****Board of Education of Wicomico County**

**Topic Discussed:** Satisfying the Act's general openness requirement during the COVID-19 pandemic

**Opinion:** The Compliance Board found that the Board of Education did not violate the Act by limiting the number of people who could enter the meeting room at one time, given that the meeting took place during the ongoing COVID-19 pandemic, state officials recommended social distancing among unvaccinated individuals, more than half of Wicomico County residents were not fully vaccinated, the county's positivity rate exceeded one of the public health metrics for lifting restrictions, and the Board livestreamed the meeting.

**Violation:** None

**16 OMCB Opinions 30 (2022)****Seat Pleasant City Council**

**Topics Discussed:** The Act's requirements for notices, agendas, written closing statements, and closed session summaries

**Opinion:** The Compliance Board found that the Council violated the Act's notice requirements by omitting special meetings from an online calendar used for regular meetings and by failing to make clear in notices that the Council would meet in open session before entering closed session. The Council also violated the Act by failing to provide enough details in written closing statements and closed session summaries, and by failing to timely post minutes online to the extent practicable. The Compliance Board lacked sufficient information to determine whether the Council also violated the Act by failing to provide notice of meeting cancellations, or by not including in an agenda an item indicating that the Council intended to enter closed session. The Compliance Board also provided general guidance about how public bodies can require registration for a virtual meeting without excluding members of the public who may learn of the meeting too late to register.

**Violations:** GP §§ 3-302, 3-305(d)(2), 3-306(c) & (e)

**16 OMCB Opinions 41 (2022)****Washington County Delegation to the Maryland General Assembly**

**Topics Discussed:** The Act's definitions of "public body" and "meeting"

**Opinion:** The Complainant alleged that the Washington County Delegation violated the Act by meeting during the summer of 2021 without providing notice to the public or keeping minutes of the meeting. The Compliance Board concluded that, regardless of whether the delegation was a "public body" subject to the Act, the gathering in question was not a "meeting" because the delegation was not discussing the public business assigned to the delegation.

**Violation:** None

**16 OMCB Opinions 47 (2022)****Maryland Statewide Independent Living Council**

**Topics Discussed:** The Act's requirements for notices, agendas, and minutes

**Opinion:** The Compliance Board found that the Council violated the Act by failing to give reasonable advance notice of a meeting because the Council's website, where it typically posted notice, reflected that a different meeting was taking place. Based on the limited factual record, The Board was unable to conclude whether the Council also failed to make the agenda available to the public in a timely manner. The Board found that the Council did not violate the Act by taking five weeks to prepare meeting minutes.

**Violation:** GP § 3-302(a)

**16 OMCB Opinions 55 (2022)****Takoma Park City Council**

**Topic Discussed:** The Act's requirements for notice of a meeting called on an urgent basis

**Opinion:** The Complainant alleged that the Council planned a special meeting and deliberately waited a week to provide notice to the public, in violation of the Act. Because the submissions did not indicate when the Council actually fixed the date and time of the meeting in question, the Compliance Board could not conclude whether the Council impermissibly delayed the notice. The Compliance Board provided general guidance on the timing of notice and found no violation with the Council's method of giving notice, which involved posting notice online and through social media and bulk emails.

**Violation:** None

**16 OMCB Opinions 62 (2022)****Montgomery County Board of Education**

**Topic Discussed:** The level of detail required in an agenda item

**Opinion:** The Compliance Board found that the agenda item description "2021-2022 School Year Calendar Modification" was sufficiently detailed to satisfy the Act, and the Board of Education was not required to append to the agenda any documents relevant to that agenda item.

**Violations:** None

**16 OMCB Opinions 64 (2022)****Mayor and Council of the Town of Smithsburg**

**Topics Discussed:** The Act's requirements for notice and openness

**Opinion:** The Mayor and Council violated the Act by adjourning an open session and immediately thereafter reconvening to continue discussing public business, without notice to the public or an opportunity for the public to observe.

**Violations:** GP §§ 3-302(a), 3-302.1(a), and 3-303(a)

**16 OMCB Opinions 66 (2022)****Prince George's County Council**

**Topic Discussed:** When communications among members of a public body rise to the level of a "meeting" subject to the Act

**Opinion:** The Complainant alleged that a quorum of the Council must have met secretly to achieve consensus on a matter before the Council. The Council denied that any communications among members of the Council rose to the level of a "meeting" subject to the Act, but the Council provided no details of any communications. Thus, the Compliance Board was unable to determine whether a meeting had occurred without notice to the public and an opportunity for the public to observe.

**Violation:** Unable to determine if the Council violated GP § 3-301

**16 OMCB Opinions 69 (2022)****Family League of Baltimore City, Inc.**

**Topics Discussed:** The Act's requirements for agendas, closing statements, minutes, and announcing prior violations in open sessions

**Opinion:** The Compliance Board concluded that a virtual celebration was not a "meeting" for which the Family League was required to prepare an agenda, nor was the Family League required to disclose in the agenda for another meeting the topic that the body intended to discuss in an upcoming closed session. The Family League violated the Act by taking four months to approve meeting minutes but timely posted them online to the extent practicable by posting them to the Family League's website days after their approval. The Family League also violated the Act by engaging in a discussion beyond the scope of the legal advice exception, the only exception cited in the closing statement, but did not violate the Act by not posting its closing statements online. The Compliance Board found no violation based on the Family League's failure to announce and summarize an earlier opinion in which the Board found that Family League committees had been operating under the mistaken belief that they were not public bodies, because, although the Board noted that the Act likely had been violated, the Board did not conclusively find any violations in the earlier opinion.

**Violations:** GP §§ 3-305(d), 3-306(b)

**16 OMCB Opinions 77 (2022)****Annapolis Planning Commission**

**Topic Discussed:** The Act's notice requirements

**Opinion:** The Compliance Board found no violation of the Act's notice requirement when a sign posted at the site of a proposed development indicated a hearing would take place on December 16, 2021 but was not updated to indicate that the hearing was held over and continued through numerous subsequent Commission meetings in January and February 2022. The Commission's other methods of notice—i.e., including the meetings in the city's online calendar and posting agendas for the meetings on a city webpage—provided adequate notice.

**Violation:** None

**16 OMCB Opinions 81 (2022)****Mayor and Council of Brunswick**

**Topics Discussed:** The Act's notice requirement, the procedure for closing sessions to the public, and required disclosures before and after meeting in closed session

**Opinion:** The Council violated the Act by failing to notify the public that it would meet in open session before entering a closed session, by failing to allow the public to object to the closure, by failing to document a reason before closing the session; and by failing, after the closure, to cite proper statutory authority for closing the session in the closed session summary.

**Violations:** GP §§ 3-301, 3-302, 3-305(d), 3-306(c)

**16 OMCB Opinions 85 (2022)****Montgomery County Board of Education**

**Topic Discussed:** The administrative function

**Opinion:** The Board of Education did not violate the Act by gathering without notice to the public and an opportunity for the public to observe, because the gathering was not a "meeting" subject to the Act. The Board of Education gathered to interview candidates for superintendent, an administrative function that falls beyond the scope of the Act.

**Violation:** None

**16 OMCB Opinions 88 (2022)****Montgomery County Public Schools COVID-19 Operations Advisory Team**

**Topic Discussed:** The Act's definition of "public body"

**Opinion:** The Compliance Board concluded that the Advisory Team did not meet the Act's definition of "public body" and, thus, was not subject to the Act's requirements.

**Violations:** None

**April 1 – June 30, 2022****16 OMCB Opinions 90 (2022)****Olney Town Center Advisory Committee**

**Topics Discussed:** The Act's definition of "public body," required training for public bodies subject to the Act

**Opinion:** The Compliance Board concluded that the Advisory Committee is a public body subject to the Act because the Olney Master Plan recommended the creation of the Committee, and the Maryland-National Capital Park and Planning Commission approved a resolution adopting the master plan. But the Compliance Board lacked the facts necessary to decide whether the Advisory Committee had violated the Act's training requirement.

**Violation:** Unable to determine if the Advisory Committee violated GP § 3-213

**16 OMCB Opinions 97 (2022)****Frederick County Council**

**Topics Discussed:** The Act's requirements for written closing statements and closed session summaries

**Opinion:** The Compliance Board found that the Council violated the Act before a closed session by citing the wrong statutory authority for the closure and by failing to provide a reason for the closure in the written closing statement. The Council further violated the Act after the meeting by failing to cite the proper authority for closure in the closed session summary.

**Violations:** GP §§ 3-305(d)(2), 3-306(c)(2)

**16 OMCB Opinions 101 (2022)****Talbot Family Network**

**Topics Discussed:** The Act's requirement for announcing prior violations in open session, the Act's definitions of "meeting" and "public body"

**Opinion:** The Compliance Board found that the Talbot Family Network violated the Act by having its executive director, not a member of the Board of Directors, announce a prior violation of the Act. The Board clarified that the Act does not require a public body to conduct its business in meetings but, rather, simply imposes certain requirements when a public body does meet, that is, when a quorum of the body convenes to conduct public business; thus, the Compliance Board found no violation based on complaints that the Talbot Family Network conducted business without a quorum present. The Compliance Board further found that a committee of the Talbot Family Network was not a public body subject to the Act.

**Violation:** GP § 3-211

**16 OMCB Opinions 108 (2022)****District Heights City Commission**

**Topics Discussed:** The Compliance Board's inability to resolve factual disputes, the Act's definition of "meeting," the general openness requirement that applies to meetings

**Opinion:** The Complainant and the City Commission offered different accounts of the underlying facts, making it impossible for the Compliance Board to determine whether a quorum of the Commission had convened to discuss public business without notice to the public and an opportunity for the public to observe.

**Violation:** Unable to determine if the City Commission violated GP § 3-301

**16 OMCB Opinions 110 (2022)****Mayor and Council of the City of College Park**

**Topics Discussed:** The Act's requirements for notices, agendas, written closing statements, minutes, and closed session summaries, and the required procedure for closing a session to the public.

**Opinion:** The Compliance Board found that the Mayor and Council violated the Act by failing to provide the public a summary of a closed session, by failing to timely provide summaries of three other closed sessions, and by failing to prepare minutes of an open session convened only for the purpose of entering a closed session. The Compliance Board found no violations of the Act's requirements with respect to meeting notices and agendas but was unable to determine whether the Mayor and Council allowed the public to object to a vote to close a session, as required by the Act. The Compliance Board also provided general guidance on informing the public of where to look to find closed session summaries.

**Violations:** GP § 3-306(b) & (c)(2)

**16 OMCB Opinions 119 (2022)****Calvert County Board of County Commissioners**

**Topics Discussed:** The Act's definition of "meeting," the general openness requirement

**Opinion:** The Complainant asserted that the Board of County Commissioners must have met secretly to agree on a position before each commissioner issued an identically worded letter. The Compliance Board found no violation of the Act based on the county attorney's representation that he drafted the letter and provided copies to each of the Board members, who did not collaborate with each other.

**Violation:** None

**16 OMCB Opinions 123 (2022)****Board of Education of Carroll County**

**Topics Discussed:** The Act's requirements for notices, closed sessions, and public disclosures following closed sessions, whether the Act applies to quasi-judicial functions, the administrative function exclusion

**Opinion:** The Board of Education adjourned a closed session and reconvened in closed session later, without preparing a new written closing statement. The Compliance Board, noting that this generally would have violated the Act, found no violation here because the Board of Education convened in the second closed session only to perform a quasi-judicial function, which is not subject to the Act. But the Compliance Board found violations based on missing details in the written closing statement for the first closed session and similar deficiencies in summaries of the closed session discussions.

**Violations:** GP §§ 3-104, 3-305(d)(2), 3-306(c)(2)

**16 OMCB Opinions 129 (2022)****Mayor and Council of the Town of Fairmount Heights**

**Topic Discussed:** The Act's requirements for preparing and posting minutes online

**Opinion:** The Mayor and Council violated the Act's requirement to prepare minutes as soon as practicable after a meeting by sometimes taking as long as one year to do so. The Mayor and Council further violated the Act by failing to prepare summaries of closed sessions and by failing to post minutes online when it was practicable to do so.

**Violations:** GP § 3-306(b), (c), & (e),

**16 OMCB Opinions 131 (2022)****Prince George's County Board of Education**

**Topic Discussed:** The Act's personnel matters exception

**Opinion:** The Board of Education violated the Act by invoking the personnel matters exception to enter closed session then discussing an organizational restructuring that exceeded the scope of that exception.

**Violations:** GP §§ 3-301, 3-305(b)(1)

**16 OMCB Opinions 133 (2022)****Board of Education of Cecil County**

**Topic Discussed:** The Act's general openness requirement

**Opinion:** Because of hostile emails and phone calls the Complainant allegedly made to school district staff and Board of Education members, the county school superintendent's designee invoked § 26-102 of the Education Article of the Maryland Code and barred the Complainant from entering school district property, including the building where the Board of Education meets. The Complainant could still watch meetings via livestream. The Compliance Board concluded that, in light of these circumstances, the Board of Education did not violate the Act by excluding the Complainant from its physical meeting space. The Compliance Board emphasized that it did not have the authority to review the propriety of the invocation of § 26-102 of the Education Article.

**Violation:** None

**16 OMCB Opinions 140 (2022)****Frederick County Council**

**Topic Discussed:** Requests for reconsideration, the legal advice and business relocation exceptions

**Opinion:** The Complainant asked the Compliance Board to reconsider an earlier opinion, in which the Board had said that the lack of detailed closed session minutes made it impossible to determine whether the County Council's closed session discussions exceeded the scope of the claimed exceptions (the legal advice and business relocation exceptions). The Complainant asserted that a public statement that the Council issued after the Compliance Board's first opinion provided proof that the closed session discussions were improper, but the Compliance Board determined that the factual record was still too ambiguous to conclude whether a violation had occurred.

**Violation:** None

**16 OMCB Opinions 144 (2022)****Maryland-National Capital Park and Planning Commission**

**Topics Discussed:** Required public disclosures before and after meeting in closed sessions; the Act's definition of "public body"; the administrative function exclusion; the public security, collective bargaining, and legal advice exceptions; a public body's obligation to provide minutes upon request by the Compliance Board

**Opinion:** The Compliance Board found that the Commission and its Executive Committee failed to make sufficiently detailed disclosures to the public before and after meeting in closed sessions. The Commission also violated the Act by engaging in closed-door discussions that exceeded the scope of the statutory provisions that the Commission claimed as authority for excluding the public. The Commission's Retirement Board failed to satisfy the Act's requirements for disclosures before and after closed sessions, but the Compliance Board stopped short of finding violations because the Board could not determine whether, during the closed sessions in question, the Retirement Board was performing functions that are not subject to the Act. The Compliance Board similarly lacked the information necessary to conclude whether the Retirement Board or its committees violated certain other provisions of the Act, because the Commission did not provide the Compliance Board closed session minutes for any of the involved bodies, and the Commission did not provide a detailed response to certain allegations. The Compliance Board thus found a violation of the Act's provision governing a public body's response to a complaint.

**Violations:** GP §§ 3-206(b), 3-305(d)(2), 3-306(c)(2)